Public Notice

US Army Corps of Engineers

Public Notice No. 04-58 Date: August 12, 2004

Nashville District Application No. 200301632

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF TENNESSEE

SUBJECT: Proposed Wetland Fill and Stream Fill/Relocation of an Unnamed Tributary to Whitehorn Creek, Hawkins County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: U.S. Fence, Inc.
700 North Main Street
Bulls Gap, Tennessee 37711

LOCATION: Unnamed Tributary to Whitehorn Creek
Hawkins County, Tennessee
lat: 36-16-14 lon: 83-4-17
USGS – Bulls Gap, Tennessee

DESCRIPTION: The proposed work consists of the placement of fill in a total of 0.61 acres of wetlands at five locations and fill placed in 1950’ of an unnamed tributary to Whitehorn Creek. The unnamed tributary runs straight through the property (pasture/hay) suggesting that it was channelized in the past. The channelized stream to be filled is approximately 2-3’ in width. The purpose of the project is for the expansion of plant operations to include additional product storage capability and construction of a warehouse/distribution facility to enhance logistical operations of the existing facility. The applicant has stated that the proposed expansion cannot occur but for the proposed stream and wetland impacts.

The applicant proposes to construct a new channel approximately 2,118’ in length by 8’ in width as mitigation for the loss of the stream functions and values for the proposed stream fill. A box culvert approximately 8’ x 6’ x 24’ wide would be constructed over

the created stream to provide access to railroad for material distribution in area 2B. The constructed channel would drain into Whitehorn Creek at the same location the existing channel enters Whitehorn Creek. Approximately 1.22 acres of wetlands would be restored (2:1 ratio) onsite associated with the created channel.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. Copies of this notice are being sent to the office of the State Historic Preservation Officer (SHPO). The applicant has been working in Area No. 1, but has not disturbed wetland #1. Subsurface disturbance has occurred at sediment ponds #1 and #2 and the hill has been cut down and material distributed around wetland #1. The SHPO was contacted regarding the project area and the SHPO stated that an archeological survey of the project area would be required. The applicant stopped work in this area and is conducting an archeological survey of the project area. Results of the survey will be submitted to the office of the State Historic Preservation Officer for their review.

Based on available information, the proposed work will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before September 12, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Carl Olsen, at the above address, telephone (615) 369-7513. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to:

Mr. Freddie Bennett
TVA
Suite 218, 4105 Fort Henry Drive
Kingsport, TN 37663

U.S. FENCE, INC., BULLS GAP TENNESSEE

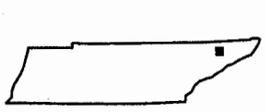
PORTION OF USGS 7.5' BULLS GAP, TN QUADRANGLE

Prepared by:

MARSHALL MILLER & ASSOCIATES

2,000' 0 2,000'

SCALE 1:24,000



TENNESSEE QUADRANGLE LOCATION

LOCATION MAP FIGURE 1

USGS BULLS GAP, TENN.

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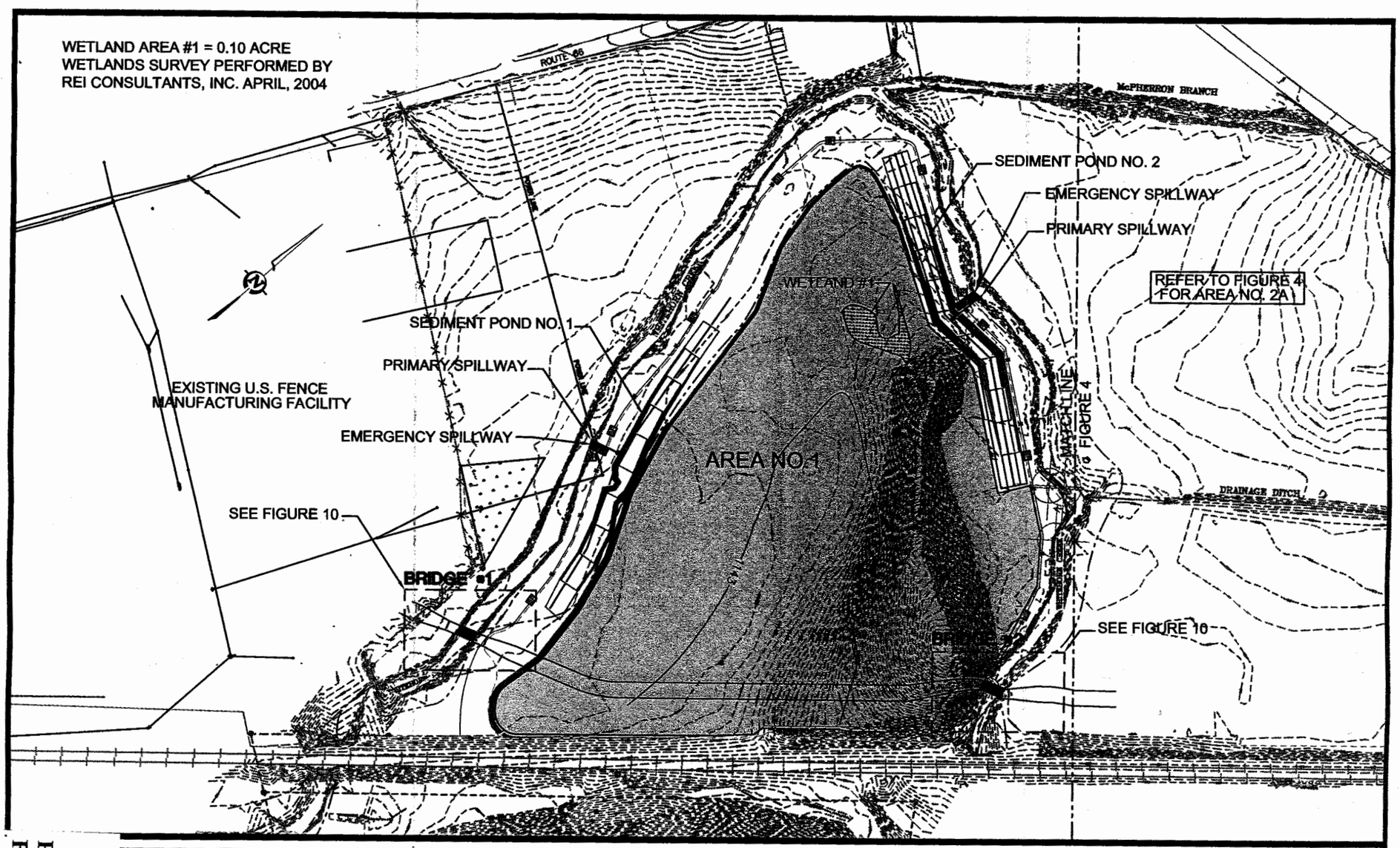

AREA NO. 1 SITE PLAN	**U.S. FENCE, INC. HAWKINS COUNTY BULLS GAP, TENNESSEE**	DATE: 7/09/04 SCALE: 1"=200' DESIGNED: TWC DRAWN: JRR	*Prepared by:* MARSHALL MILLER	**FIGURE 3**

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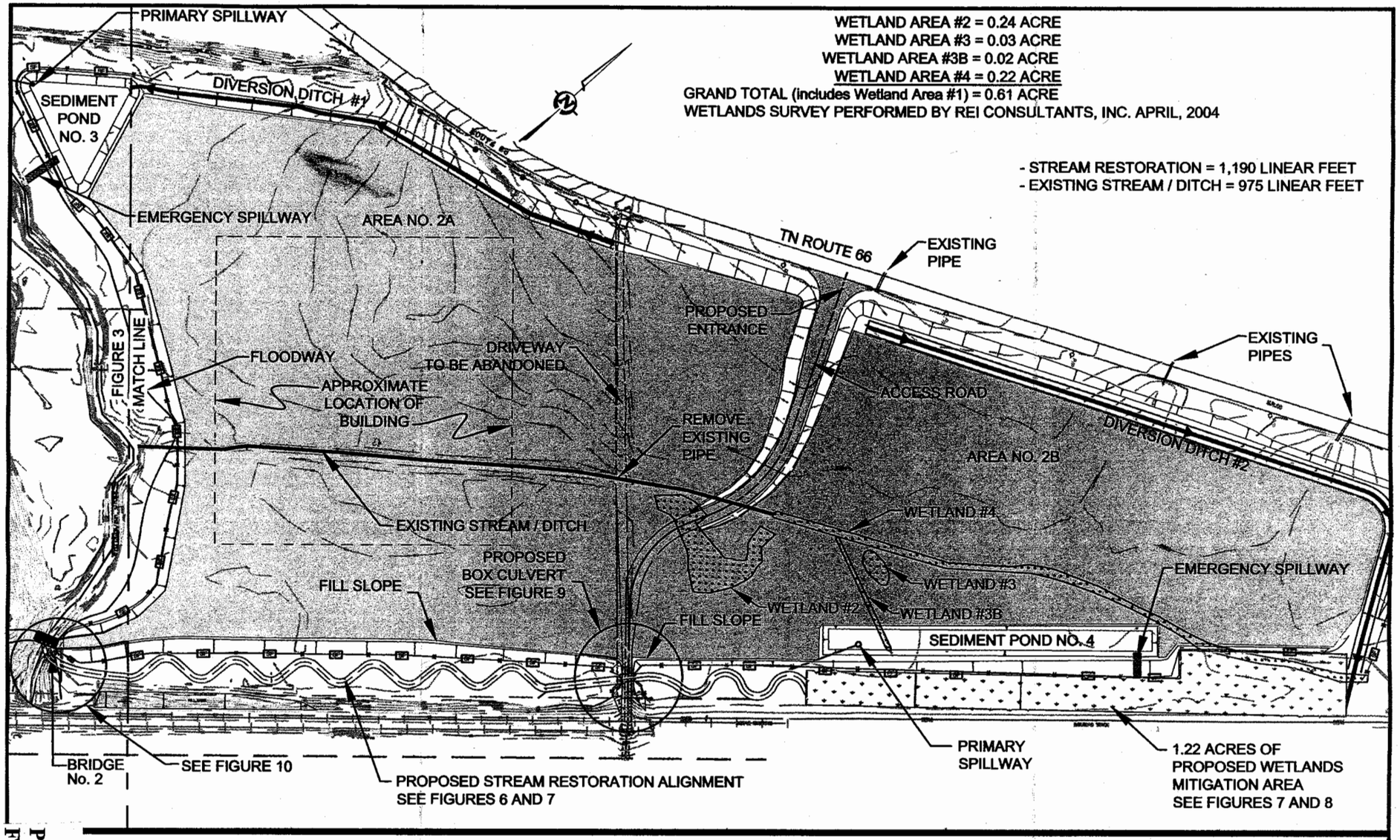

AREA NO. 2A AND 2B SITE PLAN

U.S. FENCE, INC.
HAWKINS COUNTY
BULLS GAP, TENNESSEE

DATE:	7/09/04
SCALE:	1"=200'
DESIGNED:	TWC
DRAWN:	JRR

Prepared by: MARSHALL MILLER

FIGURE 4

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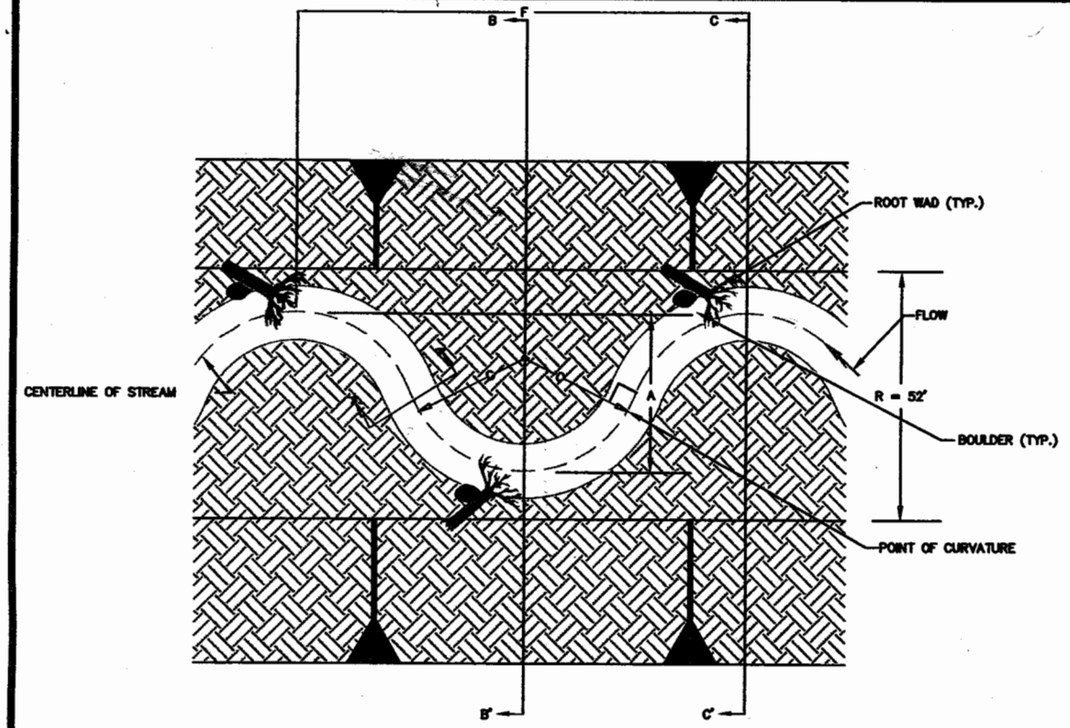
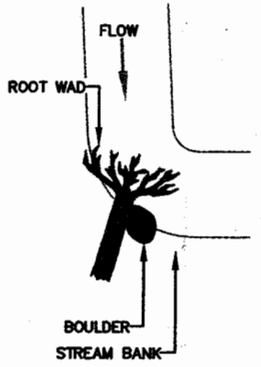


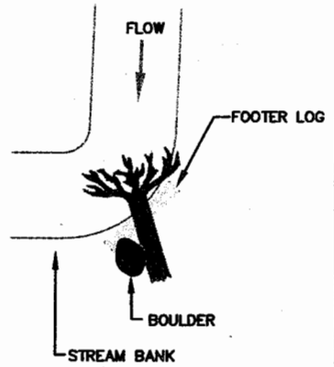
STREAM CHANNEL DETAIL
PLAN VIEW
NTS



DRIVE POINT METHOD

PLACING ROOT WADS BY DRIVE–POINT METHOD:

INSTALL THE ROOT WAD BY DRIVING THE POINT OF THE TRUNK INTO THE STREAM BANK USING HYDRAULIC EQUIPMENT. PLACE THE ROOT WAD WITH THE TRUNK PARALLEL TO THE UPSTREAM FLOW DIRECTION SO THAT FLOW IS DEFLECTED APPROXIMATELY 90 DEGREES. THE TRUNK SHOULD BE A MINIMUM OF 10 FEET LONG AND SHOULD BE AT LEAST 10 INCHES IN DIAMETER. PLACE A BOULDER 2 FEET IN DIAMETER IMMEDIATELY DOWNSTREAM OF THE TRUNK. MAKE THE BOULDER FACE FLUSH WITH THE STREAM BANK. THE TOP OF THE BOULDER MUST EXTEND ABOVE THE TOP OF THE BANK.



TRENCHING METHOD

PLACING ROOT WADS BY TRENCHING METHOD:

WHEN IT IS NOT POSSIBLE TO DRIVE THE ROOT WAD TRUNK INTO THE BANK, EXCAVATE A TRENCH PARALLEL TO THE STREAM BANK FOR A FOOTER LOG. EXCAVATE TO DEPTHS NECESSARY TO INSTALL THE FOOTER LOG WITH THE TOP OF THE LOG BELOW THE STREAM BED. EXCAVATE AN ADDITIONAL TRENCH FOR THE ROOT WAD TRUNK. PLACE THE ROOT WAD WITH THE TRUNK PARALLEL TO THE UPSTREAM FLOW DIRECTION SO THAT FLOW IS DEFLECTED APPROXIMATELY 90 DEGREES. THE TRUNK SHOULD BE A MINIMUM OF 10 FEET LONG AND SHOULD BE AT LEAST 10 INCHES IN DIAMETER. PLACE A BOULDER 2 FEET IN DIAMETER IMMEDIATELY DOWNSTREAM OF THE TRUNK. MAKE THE BOULDER FACE FLUSH WITH THE STREAM BANK. THE TOP OF THE BOULDER MUST EXTEND ABOVE THE TOP OF THE BANK.

STREAM CHANNEL DIMENSIONS

STREAM	F (ft)	A (ft)	C (ft)
STREAM SECTION	112.5	32.6	25.1

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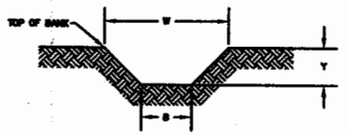
STREAM SINUOSITY DETAIL

U.S. FENCE, INC.
HAWKINS COUNTY
BULLS GAP, TENNESSEE

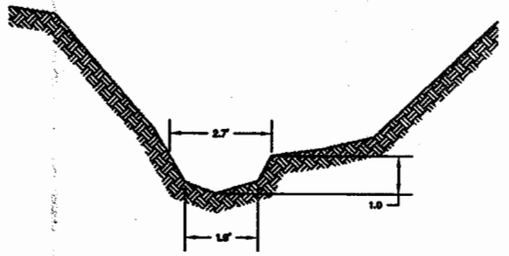
DATE: 7/09/04
SCALE: NTS
DESIGNED: RHM
DRAWN: BEH

Prepared by:
MARSHALL MILLER

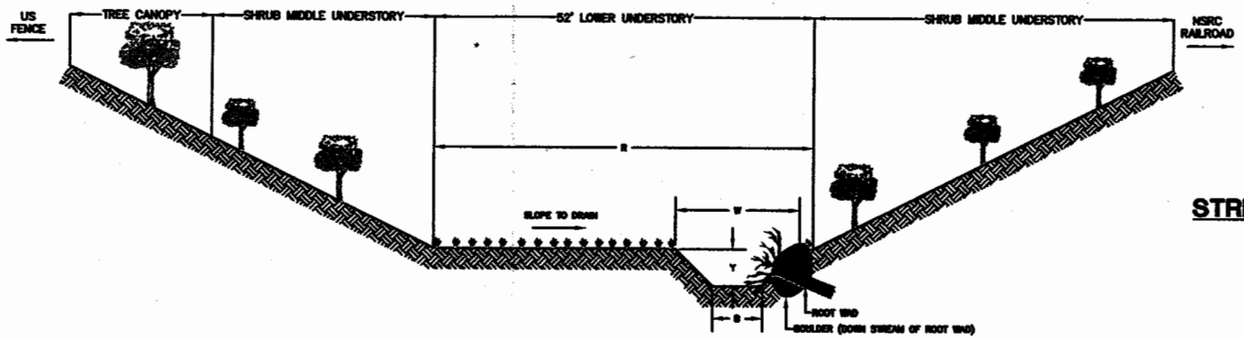
FIGURE 6



TYPICAL STREAM CHANNEL DETAIL
NOT TO SCALE



EXISTING STREAM CHANNEL TO BE FILLED
NOT TO SCALE



STREAM CROSS SECTION
NOT TO SCALE

STREAM CHANNEL CROSS-SECTION DIMENSIONS

STREAM SECTION	W (ft)	Y (ft)	B (ft)	R (ft)
STREAM SECTION	11.08 MIN.	0.77 MIN.	8.0 MIN.	52

NOTES:

1. IN SPACE LIMITED AREAS, SHRUB MIDDLE UNDERSTORY SHALL HAVE PLANTING PRIORITY OVER TREE CANOPY.
2. DISTURBED AREAS NOT TO BE PAVED OR GRAVELED SHALL BE ESTABLISHED WITH PERMANENT GRASSES.
3. STREAM CHANNEL NOT REQUIRED IN PROPOSED WETLAND MITIGATION AREA.

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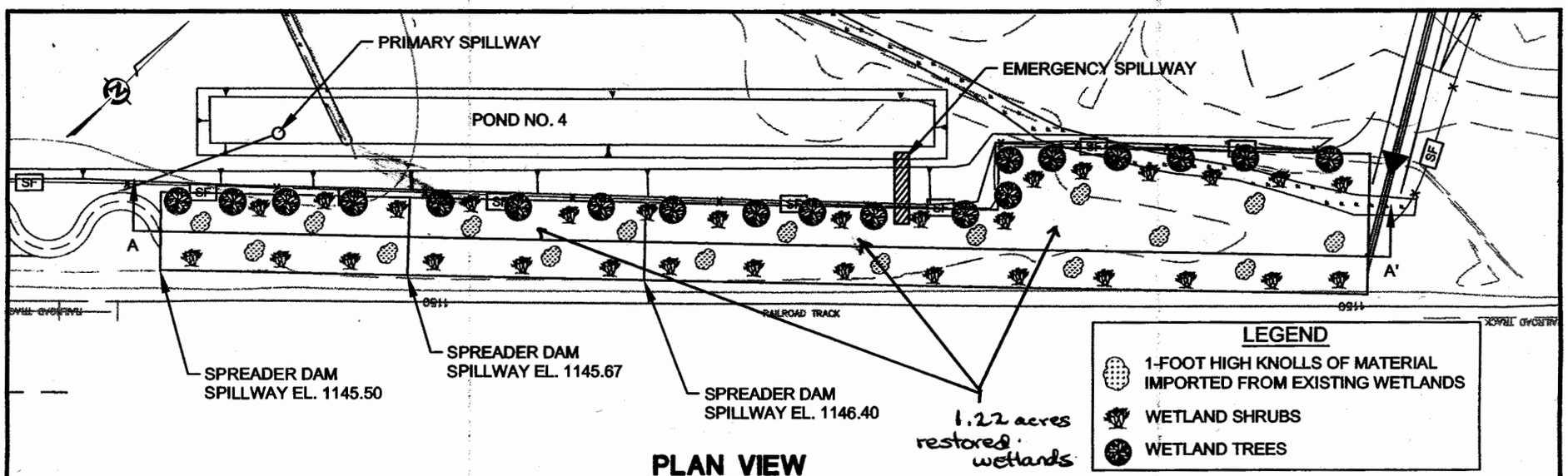
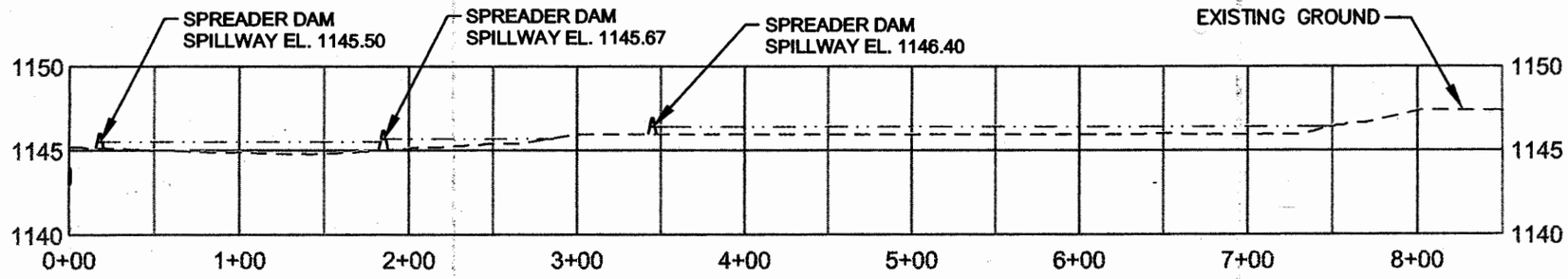
STREAM CROSS-SECTION	U.S. FENCE, INC. HAWKINS COUNTY BULLS GAP, TENNESSEE	DATE: 7/09/04 SCALE: NTS DESIGNED: RHM DRAWN: BEH	Prepared by: MARSHALL MILLER	FIGURE 7



PLAN VIEW

SCALE: 1" = 100'



SECTION A-A'

VERTICAL SCALE: 1" = 10'
HORIZONTAL SCALE: 1" = 100'

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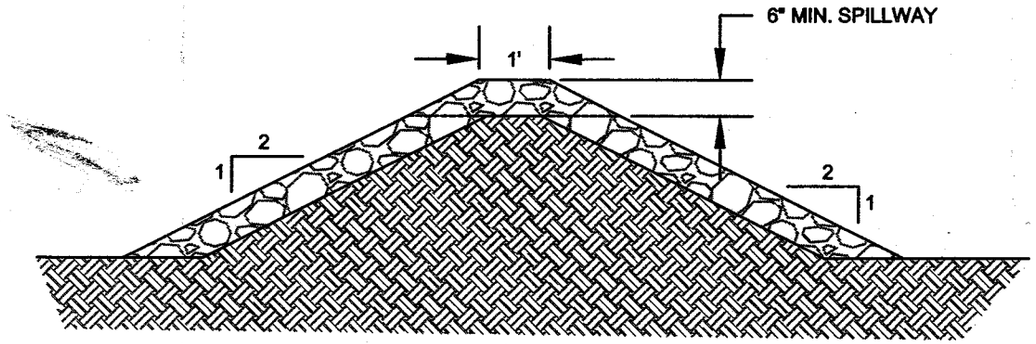
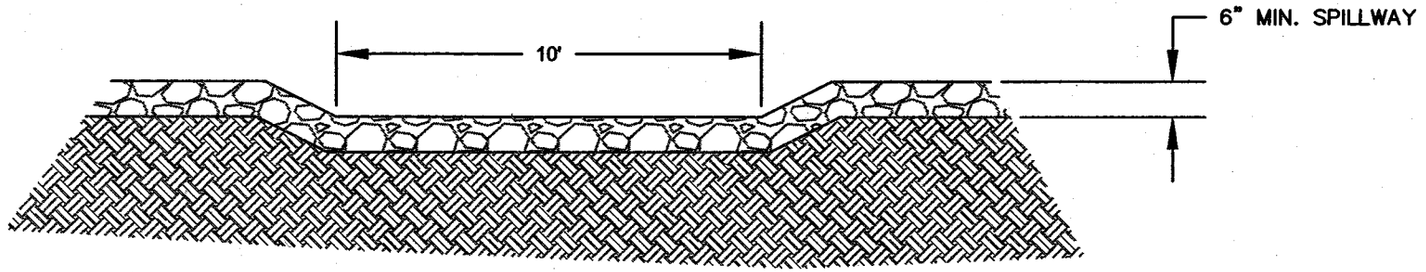
WETLAND PLAN VIEW AND SECTION	**U.S. FENCE, INC. HAWKINS COUNTY BULLS GAP, TENNESSEE**	DATE: 7/09/04 SCALE: AS NOTED DESIGNED: TWC DRAWN: JRR	Prepared by MARSHALL MILLER	**FIGURE 11**



SPREADER DAM
N.T.S.



SPREADER DAM SPILLWAY
N.T.S.

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SPREADER DAM	U.S. FENCE, INC. HAWKINS COUNTY BULLS GAP, TENNESSEE	DATE: 7/09/04 SCALE: AS NOTED DESIGNED: TWC DRAWN: JRR	Prepared by: MARSHALL MILLER	FIGURE 12

Wetland and Stream Revegetation Plan

Tree Canopy - (In space limited areas, Shrub Middle Understory shall have planting priority over Tree Canopy).

Betula nigra (River Birch): medium height tree (60-80 feet) of wet soils along stream banks, lakes, swamps, and flood plains.

Salix nigra (Black Willow): fast growing, multi-stemmed tree up to 70 feet or more. Common on flood plains and stream banks, these are an excellent species for stream bank stabilization (Not to be used near paved areas).

Middle Understory

Sambucus canadensis (Common Elderberry): a fast growing, stoloniferous, multi-stemmed shrub (to 20 feet tall) of stream banks and swamps. Attractive white flowers mature into fruit valued by wildlife.

Alnus serrulata (Smooth Alder): multi-stemmed shrub, 20 feet or more in height. Natural habitat is on the edge of streams, in lakes, and in swamps.

Lower Understory - (The hydric soil from the impacted wetland areas will be excavated and spread over the mitigated wetland).

Juncus spp. (Rush): many species available; thrive in moist conditions. Provides quick bank stabilization. Height is up to 2 feet, for use on bank edge.

Alnus serrulata (Smooth Alder): multi-stemmed shrub, 20 feet or more in height. Natural habitat is on the edge of streams, in lakes, and in swamps

Spacing

All tree species should be planted 10 feet apart, with 1 plant per 100 square feet or 436 plants per acre.

Grass species, such as *Juncus* spp., should be planted 2 feet apart, with 1 plant per 4 square feet or 10,890 plants per acre.

Tree species should be planted in background, shrub species in mid section, and grass species (*Juncus spp.*) in foreground, to reduce over-shading.

Timing

Installation of tree species requires the use of dormant vegetation. In Tennessee, plants are dormant from the late fall, after their leaves drop, to the early spring, before growth commences. Unless extraordinary measures are taken, installations outside of the dormant season are likely to have a high mortality rate.

Dormant trees of at least 4 feet in height should be selected so as to withstand competition from weed growth and predation from animals. *Juncus* spp. are usually sold as "plugs".

Maintenance

A mesh ground-cover mat secured by wooden stakes and staples may be desirable to reduce erosion while plants are becoming established.

Goose netting may be useful if geese are a problem. Geese will nibble and disturb the plants.

Periodic inspections should be made to identify any problems that may arise. Any trash and exotic invasive plants should be removed so as not to choke out the vegetation.

Monitoring Tree Health

Trees should be monitored for five (5) years during their establishment. During this time, inspections should be made for any insect or fungal infestations. Measurements of tree growth should also be taken.

Growth Schedule of Trees and Shrubs

Year 1: Plants will establish roots, very little stem growth will occur. Bank stabilization will begin.

Year 2: Greater stem growth will occur. Plant roots will continue to establish and expand. Bank stabilization will improve.

Year 3: Plants will be fairly well established by this time, stem growth will be more rapid. Some may begin to flower. Small amount of shade will be produced.

Year 4: Plants will be growing rapidly by this stage (2 to 3 feet per year). Most will be flowering. Medium levels of shade will be produced.

Year 5: Plants will be well established by now, growing rapidly, flowering, and producing seed. Colonization will occur. Shade will be produced.

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WETLAND AND STREAM REVEGETATION PLAN	**U.S. FENCE, INC. HAWKINS COUNTY BULLS GAP, TENNESSEE**	DATE: 7/09/04 SCALE: NTS DESIGNED: RHM DRAWN: BEH	*Prepared by:* MARSHALL MILLER	**FIGURE 8**